IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

Bail Appl..No. 6875 of 2007()

CRIME NO. 572/07 OF HARBOUR POLICE STATION

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PETITIONER : ACCUSED NO.5:

HAMZAKUTTY, AGED 65 YEARS,
S/O.MOOSA, CHAKKIYATTUPARAMBU, KOMBARA MUKKU,
MATTANCHERRY, KOCHI.

BY ADV. SRI.S.RAJEEV

RESPONDENTS: STATE:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM (CRIME NO. 572/2007 OF HARBOUR POLICE
STATION).

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 6875 of 2007

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Dated this the 16th day of November, 2007

O R D E R

Application for regular bail. The petitioner is the 5th accused. His son is the third accused. Crime is registered, inter alia, under Sections 457 and 380 I.P.C. The petitioner and his son are allegedly engaged in more than one offence of identical nature. The modus is, to take away vehicles with containers parked in the Wharf, tamper with the seal, remove the articles in the container and bring the vehicle and the container back to the place from where it was taken. The alleged incident took place on 27.9.2007. The weight of the consignment in the container was found to be significantly short of its actual weight. The seal was found tampered with. Investigation revealed the complicity of the petitioner and his son. Recovery of part of the stolen goods has already been effected. Investigation is in progress. The petitioner was arrested and he remains in custody from 25.10.2007.

2. The learned counsel for the petitioner submits that the petitioner is innocent. At any rate, the petitioner, who has remained in custody from 25.10.2007, may now be enlarged on bail, it is prayed.

3. The learned Prosecutor opposes the application. Investigation is not complete. The petitioner is involved in yet another identical crime. At this early stage of the investigation, the petitioner may not be granted bail. Some more accused remain to be apprehended, submits the learned Prosecutor.

4. Having considered all the relevant inputs, I find merit in the opposition raised by the learned Prosecutor. I am satisfied that the petitioner is not entitled to be enlarged on bail at this stage. In coming to this conclusion, I have taken note of the nature and gravity of the allegations and the antecedents of the petitioner as also the stage of investigation. I am satisfied that the Investigators must be given sufficient time to complete the investigation.

4. This application is, in these circumstance, dismissed. But I may hasten to observe that the petitioner shall be at liberty to move this

court or the courts below for bail again at a later stage of the investigation, not at any rate, prior to 30.11.2007. The Investigators shall, in the meantime, make every endeavour to complete the investigation.

(R. BASANT)
Judge

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